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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,613	07/05/2000	Machio Moriuchi	034620-065	3903

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EXAMINER

GAUTHIER, GERALD

ART UNIT PAPER NUMBER

2614

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/610,613

Applicant(s)

MORIUCHI ET AL.

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claim(s) 1-39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Harper et al. (US 5,537,141) in view of Kuwahara et al. (US 5,157,660).

Regarding **claim(s) 1, 6, 9, 13, 14, 19, 22, 26, 27, 32, 35 and 39**, Harper discloses a voice communications method (FIG. 1 and column 9, lines 18-32), comprising:

- a process at a terminal at which voice is input for generating voice data indicating said voice (column 9, lines 56-66);

- a process at a server for receiving said voice data (column 10, lines 32-43);

- a process at said server for sending said voice data to a predetermined terminal (column 11, lines 20-42);

- a process at said predetermined terminal for receiving said voice data (column 11, lines 43-63);

- a process at the terminal that received said voice data for outputting the voice indicated by said voice data (column 19, lines 46-54);

- a process at the terminal that received said voice data for generating a reception result of said voice data (column 19, lines 33-42);

- a process at the terminal that generated said voice data for receiving said reception result (column 20, lines 24-39).

Harper discloses the students interacting with the system with questions and answer but fails to disclose a process at the terminal that received said reception result for visually indicating a reception state of said voice data.

However, Kuwahara teaches a process at the terminal that received said reception result for visually indicating a reception state of said voice data based on said reception result (column 6, lines 21-24).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Harper using the teaching of display the response message service as taught by Kuwahara.

This modification of the invention enables the system to send a reception result for visually indicating a reception state of said voice data so that the user would have the advantage to know the call has been answered.

Regarding **claim(s) 2, 7, 15, 20, 28 and 33**, Kuwahara teaches a voice communications method, wherein said process for indicating said reception state indicates said reception state by indicating an action of an avatar of a user of the terminal that received said voice data (column 6, lines 21-24).

Regarding **claim(s) 3, 16 and 29**, Kuwahara teaches a voice communications method, wherein said reception result is an ACK message or a NACK message (column 6, lines 21-24); and

said process for indicating said reception state indicates that said voice data was correctly received if said ACK message was received within a predetermined period of time after a transmission of said voice data, and indicates that said voice data was not correctly received if said NACK message was received within said predetermined period of time or if no message was received within said predetermined period of time (column 6, lines 21-24).

Regarding **claim(s) 4, 17 and 30**, Kuwahara teaches a voice communications method, wherein said process for generating said reception result adds an ID of the terminal that received said voice data to said reception result (column 6, lines 21-24); and

said process for indicating said reception state indicates said ID along with said reception state (column 6, lines 21-24).

Regarding **claim(s) 5, 18 and 31**, Kuwahara teaches a voice communications method, wherein said process for generating said reception result generates said reception result based on a data from of said voice data (column 6, lines 21-24).

Regarding **claim(s) 8, 21 and 34**, Harper discloses a voice communications method, wherein the server for processing said utterance data and the server for processing said voice data are different (column 20, lines 24-39).

Regarding **claim(s) 10, 23 and 36**, Harper discloses a voice communications method, comprising: a process at a predetermined terminal for designating permission or denial for sending data from said predetermined terminal to another optional terminal (column 20, lines 24-39);

wherein said process for storing stores the designation (column 20, lines 24-39).

Regarding **claim(s) 11, 24 and 37**, Harper discloses a voice communications method, comprising: a process at a predetermined terminal for designating permission or denial for sending data from one optional terminal to another optional terminal (column 20, lines 24-39);

wherein said process for storing stores the designation if said designation is within the authorized limits of the predetermined terminal, or discards said designation if said designation is outside the authorized limits of the predetermined terminal (column 20, lines 24-39).

Regarding **claim(s) 12, 25 and 38**, Harper discloses a voice communications method, comprising: a process at a predetermined terminal for designating permission or denial for sending data from one optional terminal to another optional terminal (column 20, lines 24-39); and

a process at said predetermined terminal for sending said designation to said server if the designation is within the authorized limits of said predetermined terminal, and discarding said designation if the designation is outside the authorized limits of said predetermined terminal (column 20, lines 24-39);

wherein said process for storing stores the designation sent by said predetermined terminal (column 20, lines 24-39).

Response to Arguments

5. Applicant's arguments with respect to **claim(s) 1-39** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539 . The examiner can normally be reached on 8:00 AM to 4:30 PM .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547 . The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system . Status information for published applications may be obtained from either Private PAIR or Public PAIR . Status information for unpublished applications is available through Private PAIR only . For more information about the PAIR system, see <http://pair-direct.uspto.gov> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) .


GERALD GAUTHIER
PATENT EXAMINER

Gerald Gauthier
Examiner
Art Unit 2645

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March 17, 2006